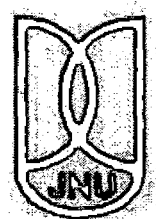


**EVOLUTION OF POLITICAL SYSTEM IN
KAZAKHSTAN, 1991-2001**

*Dissertation submitted to the Jawaharlal Nehru University
in partial fulfillment of the requirements
for the award of the degree of*

MASTER OF PHILOSOPHY

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DECLARATION

I declare that the dissertation entitled "EVOLUTION OF POLITICAL SYSTEM IN KAZAKHSTAN, 1991-2001" submitted by me in partial fulfilment of the requirements for the award of the degree of **MASTER OF PHILOSOPHY** of Jawaharlal Nehru University is my own work. The dissertation has not been previously submitted for any other degree of this University or any other university.

Shraddha Nand Rai
SHRADDHA NAND RAI

CERTIFICATE

I recommend that the dissertation may be placed before the examiners for evaluation.

(Prof. Anuradha M. Chenoy)
Chairperson

(Dr. Phool Badan)
Supervisor

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Date 29-07-2009

*Shraddha Nand Rai
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Chapter-I

Introduction: A Theoretical Framework

Politics does not take place in vacuum. It is the realm of interaction among the diverse groups of individuals. This means politics is, above all, a social activity involving various institutions and processes. It is a system which has its milieu where its constituents viz. political parties, pressure groups, legislature, executive, judiciary, media, rule of law and separation of power, etc. interact. The term 'system' has multiple meanings: a collection of organized things as, a solar system, a way of organizing or planning and a whole composed of relationships among the members. According to Robert Dahl, "Any collection of elements that interact in some way with one another can be considered a system: a galaxy, a football team, a legislature, a political party". (Dahl 1972: 9) For the purpose of analysis, elements of a system should be looked at in an abstract way rather than as concrete things.

Most of the systems share the same common characteristics. These common characteristics are- (i) Systems have a structure that is defined by its parts and processes, (ii) systems are generalizations of reality, and (iii) systems tend to function in the same way. This involves the inputs and outputs of material (energy and/or matter) that is then processed causing it to change in some way. The various parts of a system have functional as well as structural relationships between each other.

The scientific research field which is engaged in the Trans disciplinary study of universal system-based properties of the world is general systems theory, systems science, and recently systemic. They investigate the abstract properties of the matter and mind, their organization, searching concepts and principles which are independent of the specific domain, independent of their substance, type, or spatial or temporal scales of existence. System theory was originated and applied in biological researches. Later on it was found very useful in chemistry, physics and other Natural Sciences. Social Sciences also

took advantage of this theoretical framework and modified it to the need of their special disciplines. Latest use of this theory is very popular in political science. This is the pioneering model of political analysis. It conceives politics in terms of a political system.

The phenomena of politics tend to cohere and to be mutually related. In other words, a system which is part of the total social system. In the concrete world of reality not everything is closely related to what we call political life. Certain kinds of activity are more prominently associated with it than others. These elements of Political activity like government organizations, pressure groups, voting, parties, and other social elements related to them, such as classes, regional groupings all these show close interaction to be considered as a part of the political process (Easton 1971:97). Political life constitutes a concrete political system which is an aspect of the whole social system. We must recognize all social life as interdependent. Political science is compelled to abstract from the whole social system, some variables which seem to cohere more closely than others, such as price, supply, demand, and choice among wants do in economics and to look upon them as a subsystem which can be profitably examined, temporarily apart from the whole social system.

So far as political system is concerned, it is defined as a system of politics and government. It is usually compared to the law system, economic system, cultural system, and other social systems. It is different from them, and can be generally defined on a spectrum from left, i.e. communism, to the right, i.e. fascism. However, this is a very simplified view of a much more complex system of categories involving i.e. the view on who will have the authority, the view of religious questions and the government's influence on its people and economy.

There are several definitions of "political system". A political system is a complete set of institutions, interest groups (such as political parties, trade unions, and lobby groups), the relationships between those institutions and the

political norms and rules that govern their functions (constitutions, election rule). A political system is composed of the members of a social organization (group) who are in power. A political system is a system that necessarily has two properties: a set of interdependent components and boundaries toward the environment with which it interacts (Heywood 2007).

A political system is a broader term that encompasses not only the mechanisms of government and the institutions of the state, but also the structures and processes through which these interact with larger society. A political system is, in effect, a subsystem of the larger social system. It is a 'system' in that there are interrelationships within a complex whole, and political in that these interrelationships relate to the distribution of power; wealth and resources in society.

After studied 158 Greek city-states constitution, Aristotle gives the most influential system of classification of government in the fourth century BC. The most influential system of classification of government was devised by Aristotle in the fourth century BC. He studied and analyzed the constitution of 158 Greek city-states. Aristotle was of the opinion that government could be categorized on the basis of two questions: 'who rules?', and 'who benefits from rule?' He believed that government could be placed in the hands of a single individual, a small group, or the many. In each case, however, government could be conducted either in the selfish interests of the rulers or for the benefit of the entire community. Aristotle's purpose was to evaluate forms of government on normative grounds in the hope of identifying the 'ideal' Constitution (Heywood 2007:27).

The Aristotelian system was later developed by thinkers like Thomas Aquinas, Thomas Hobbes and Jean Bodin. However, their particular concern was about the principle of sovereignty which they viewed as the basis for all stable political regimes. In '*Leviathan*', Hobbes portrayed sovereignty as a monopoly of coercive power, implying that the sovereign was entirely

unconstrained and unlimited. Later on, the ideas were revised by John Locke and Montesquieu. Locke in his famous work, '*Two Treatises of Government*', argued that sovereignty resided with the people, not with the monarch. He advocated a system of limited government to provide protection to natural rights of men i.e. the rights of life, liberty and property. During the twentieth century, historical developments altered the basis of political classification. The establishment of Bolshevik Government in Russia provided another view that world was divided into two kinds of regime: democratic states and totalitarian states.

The term "political system" is a compound of two words. First we take up the meaning of the term 'political'.

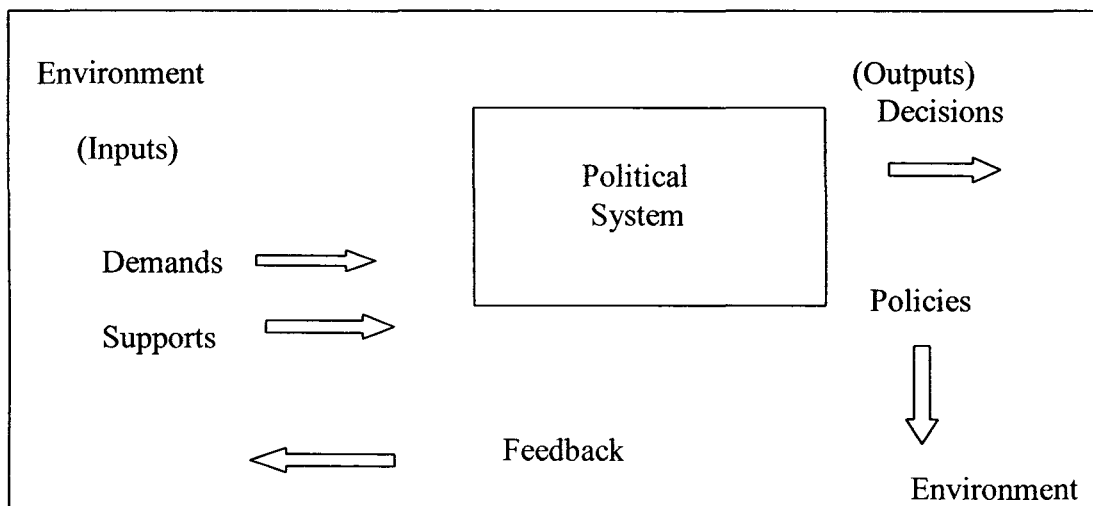
According to Max Weber state "is a human community that claims the monopoly of the legitimate use of physical force within a given territory" (Weber 1947:78).

According to Marian J Levy, political allocation may be defined "as the distribution of power and responsibility for the actions of the various members of the concrete structure concerned, involving on the one hand coercive sanctions, of which force is the extreme form in one direction, and, on the other, accountability to the members and in terms of the structure concerned, or to the members of other concrete structures" (Levy, Marion J, 1952:469).

As far as model of political system is concerned, it was first developed by David Easton. He defines politics as the, "*Authoritative allocation of values,*" which constitutes the political process. This does not take place in a close circuit; its ends are connected with the social process. In this sense political system has been described as an open system. Value means the 'things considerable valuable whether they are spiritual or material'. 'Allocation' means distribution of these things to various individuals or groups.

Structurally systems may be defined in terms of input, conversion, output and feedback operating in at least at three different levels-Domestic, International and Natural environment. Easton argues that we can think of the public policy process as the product of a system, influenced by and influencing the environment in which it operates. The system receives inputs and responds with outputs. The inputs are the various forms of issues, pressures, information, and the like to which the actors in the system react ,the output are in public policy decisions to do or not do something.

DAVID EASTON'S MODEL OF POLITICAL SYSTEM



(Easton 1965:374)

Gabriel Almond and J.S.Coleman have identified four characteristics of the

- a. All political system has political structures,
- b. The same functions are performed in all political systems with different frequencies and by different kinds of structures,
- c. All political structures are multi-functional, and

d. All political systems are 'mixed' systems in the cultural sense, i.e. they are based in a culture which is always a mixture of the modern and the traditional. (Almond and Coleman 1960).

According to Almond and Powell, "When we speak of the political system, we include all the interactions which affect the use or threat of use of legitimate physical coercion. The political system includes not only governmental institutions such as legislatures, courts and administrative agencies, but all structures in their political aspects. Among these are traditional structures such as kinship ties and caste groupings, and anomic phenomena such as assassinations, riots and demonstrations, as well as formal organizations like parties, interest groups, and media of communications" (Almond and Powell 1966:18).

Blondel is of the opinion that the political system 'Selects' and 'combines' these demands that arise out of the social conflicts. These demands have their impact on the decision-making process. However, the normative aspects should not be ignored as customs, usages, rules of good behaviors that also operate and the decision-makers have to work in the context of these principles (Blondel 1972: 15).

David Apter has presented his own analysis of a political system in a way bringing about a marked distinction between their democratic and totalitarian varieties. According to him, a democratic system "responds to crisis variables by trying to mediate between contending groups in order to produce effective policies that can ameliorate that causes of tension. Their success depends in part on the effectiveness of the link between society and government. Government is the dependent variable, society is independent" (Apter 1978:431).

There are two types of model of government. These are Democratic and Totalitarian model of governments. Democratic government is an instrument

of tension reduction, it responds with instruments that act on society, government, political parties, electoral systems and the like. The ability of governments to resolve crises depends on their relationship to the official system and the quality of policy decisions. Its functions are to reduce tensions and mediate.

In a democratic model, rulers become a government and the government is a unit with particular responsibilities for the maintenance and adaptation of society. "The ruled, organized in classes and role networks functional to the exchange process, represent social systems. The largest social system is a society. Government is the one sub-unit among all others that has a unique responsibility. It exercises a virtual monopoly over the instruments of force, and is the sole legitimate agency for the exercise of public power on behalf of society.

In totalitarian model, government is the instrument by means of which radical change "is produced in the social system. Defining the purposes and establishes new structural characteristics of society."

So far as political system of Kazakhstan is concerned, the Systems theory can be applied in the study of its political system. Prior to the conquest of the region by the Russian army, the political culture of the people of Central Asia was the same as it was in other parts of the Muslim world (Wheeler1969: 93). In order to understand the political system in Central Asia in general and Kazakhstan in particular, it is necessary to study the different phases of political development in the area. These are:

- a. The Arab conquest and spread of Islam in the region.
- b. The Mongol-Tatar conquest of Central Asia and their assimilation and Islamization.
- c. The rise and fall of Timurid Empire.
- d. The Russian conquest of Central Asia during the 19th century, and lastly

e. The Russian Revolution of 1917 and subsequent Sovietization and secularization of the region (Badan 2001: 97-98).

After the end of the medieval period, the region was divided into three native Khanates and Emirates. These were *Khanates of Koknan*, *Khanate of Khiva* and *Emirate of Bukhara*. The Khanates were backward feudatories which were ruled by Khans and Emirs, and Islam was the main source of political legitimization. "The system of administration, land tenure, and taxation was based on the Perso-Arab administration of Transoxiana. The system of justice was based on the Islamic laws (*Shariah*) and the customary laws (*Adat*)" (shams-ud-Din 1982:82). and this system was headed by the member of the religious elite who was known as kazi. Initially, the courts of Kazis were allowed to operate. But with the introduction of Russian judicial system, the kazi courts were reduced to subordinate status. "Kazi's were appointed for life and had no fixed administrative district." But later the Kaziship acquired hereditary character. The kazi enjoyed a high social status and considerable economic privileges. Other religious elite was the Mufti who used to be the exponent of Islamic shariah. The Chief Mufti was the legal and spiritual head of the Khanates.

In practice the dynastic rulers of the Khanates and their subordinate officials did not generally follow the accepted principles and the legal norms. The rule of the Khans and Emirs was cruel and exploitative. The bies, the wealthy land lords and subordinate feudal officials used to exploit the poor people of the region. Poverty was rampant, disease and illiteracy widely prevailed.

Political power structure in Central Asia was of feudal nature, similar to the one prevalent in medieval Europe. Hereditary rulers had nominal control, but the provincial *beks* (governments) were politically independent and carried on constant wars against their neighbors: their sovereigns. The government was

tyrannical and oppressive and meted out cruel punishment to its opponents. The clergy enjoyed a high status and respect in a society where illiteracy and superstitions were widespread. The tyrannical government got full support from the institutions like Kazi. The people of the region had no right to participate in political process. They were not even aware of various activities of their governments.

The Khans received Taxes from the general public as a right. However, the *beks* were exempted from paying these taxes .The *beks* were not even obliged to give in account of there earnings to the Khans. However, they did offer lavish presents to the Khans once or twice a year.

The Great Socialist Revolution took place in Russia in October 1917. In the aftermath of the October Revolution of 1917, Vladimir Lenin declared that, all people in Russia were equal and sovereign and had a right to self-determination that included secession and formation of independent states (Roudik 2007: 98). National minorities and ethnic groups would be freely developed. In 1918 the Communist Party of Russia decided to form a federal state. In 1919 they proposed a federated union of states under the control of the Communist Party .By violence and force Russia enforced the Central Asian Khanates to take a part in the Soviet federation, as a result; some nationalist groups rebelled against the Soviet authority. From 1917 to 1934 these groups fought against the Russian without getting any support from outside. But the Soviet regime took tough steps to stop the national liberation movements. In December 1922, in the Union Treaty, the Communist Party was granted the larger non-Russian nationality groups an equality of Union Republic status within the Soviet federation. In October 1923, the Fourth Congress modified the Republics Constitution and on 29th September 1924 the fifth congress decided to transfer the People's Republic into a socialist one. In October 1924, the Central Executive Committee of the Soviet Union voted to establish two socialist republics, Uzbekistan and Turkmenistan, and two autonomous

republics, Tajikistan and Kazakhstan .On December1929, Tajikistan become a republic of the Soviet Union and on December 1936 the same status granted to Kyrgyz and Kazakh Republics.

Thus, prior to the Bolshevik Revolution, Political Culture of the region was despotic. But after the Great Socialist Revolution the Soviet Union became a federation of fifteen national “Union Republics” and eight autonomous regions. Legally all union republics had equal status, but geopolitical factors made the Russian Republic superior to the others. There was single party system in whole of the Soviet Union (Badan 2001:99).

Under the Soviet regime, the Russian dominance over the Central Asia reached at the paramount level. In the Political level, the Communist Party of the Soviet Union put all regional and local organizations under its own strict control. The decisions of the republics had to be in conformity with the policies of central authority in Moscow. In the republics, key positions were kept in Russian hands, although first Secretary of the Republic’s Communist Party was native people, second secretary, a Russian controlled and managed all administrative, economic and governmental affairs. Thus, the native people were absent from policy making process at the center. In the economic field, every economic policy were planned and regulated by the center and thus, central economic control over the republics was preserved. The Soviet regime encouraged the Russians specialists and workers to migrate into the non-Russian republics.

So far as Central Asia is concerned, it was part of the former Soviet Union where all major decisions were imposed by the central government and Communist party of the Soviet Union. Republican bureaucracy received the direction from Moscow, and leaders of the region acted as agent of the Russian Communist likewise the Soviet economic system as based on Centrally Planned system. There was no place for religious and cultural autonomy. There was one party system and political opposition was not

allowed. As far as the formulation of basic policy is concerned; the Central Government had the final and decisive say.

Chapter-II

Constitution-Making in Kazakhstan

The Soviet Union disintegrated in December 1991. Soon after dissolution of the erstwhile USSR; Kazakhstan emerged as an independent sovereign state on the map of the world. After getting independence, Kazakhstan adopted its new constitutions which are different from the earlier constitutions of the former Soviet Union. The constitution of the Republic of Kazakhstan envisages secular, sovereign and democratic state. The constitution of the country has established the presidential form of government with unitary system. Though the constitution of Kazakhstan establishes the democratic political system, but it grants all the power to the president of the republic. There is no post of Vice-President in the country. The constitutional council, as the state body, provides superiority of the constitution of the Republic of Kazakhstan throughout the country. Kazakhstan adopted its new Constitution in 1992. It has established a representative government with a separation of powers among three coequal branches of government, based on popular sovereignty through free and fair election. The state power in the country is unified and executed on the basis of the Constitution and laws in accordance with the principle of its division into legislative, executive and judicial branches and a system of checks and balances that governs their interaction. The Constitution of the Republic of Kazakhstan is the highest law of Kazakhstan as stated in Article 4. The Constitution was approved by referendum on 30 August 1995. The preamble of the Constitution incorporates the spirit of "freedom, equality and concord" and emphasises Kazakhstan's role in the international community.

Article 1 of the Constitution of the republic establishes the state as a secular democratic state that values individual "life, rights and freedoms." It outlines social and "political stability, economic development," patriotism and democracy as the principles upon which the Government serves. This is the first article in which the Parliament is mentioned.

Article 2 states that Kazakhstan is a unitary state and the government is presidential the government has jurisdiction over, and is responsible for, all territory in Kazakhstan.

(http://www.kazakhstan.orexca.com/kazakhstan_constitution.shtml).

The government's power is derived from the people and citizens have the right to vote in referendums and free election. Article 3 establishes provincial government. Representation of the people is a right reserved to the executive and legislative branches. The government is divided between the executive, legislative, and judicial branches. Each branch is prevented from abusing its power by a system of checks and balances. This is the first article to mention constitutional limits on the executive branch. **(Art. 3)**

(http://en.wikipedia.org/wiki/File:Stamp_of_Kazakhstan_522.jpg).

Constitution of the republic has made provision that Laws which are in effect include "provisions of the Constitution, the laws corresponding to it, other regulatory legal acts, international treaty and other commitments of the republic as well as regulatory resolutions of Constitutional Council and the Supreme Court of the Republic." **(Art.4)** The Constitution is the highest law of the land. Ratified international treaties superseded national laws and are enforced, except in cases when upon ratification the Parliament recognizes contradictions between treaties and already enacted laws, in which case the treaty will not go into effect until the contradiction has been dealt with through legislation.

(www.helpline.law.com/law/kazakhstan/constitution/constitution_o.php)

The first Constitution of the independent and sovereign Republic of Kazakhstan was adopted in January 1993. (Mishra 2008:115) The Kazakh parliament ratified the country's first post-Soviet Constitution in January 1993. In referendum, which held on 30 August 1993, 89 percent voters supported the Constitution. The Constitution of the Kazakhstan has

established Presidential form of government. The Constitution of Kazakhstan describes Kazakhstan as a “democratic, secular and unitary state”. Beside the emphasis on democratic principles, the citizens are also guaranteed with basic civil liberties including freedom of thought, expression and speech, freedom of media and right to receive information, freedom to demonstrate peacefully, and freedom to create public organizations. In addition to this, the citizens of the Republic have the right to property, education and right to profess any religion of their consent. The 1993 Constitution created a unicameral parliament.

In May 1995, President Nursultan Nazarbayev convened a council of experts to draw up a new constitution. The second Constitution of Kazakhstan adopted in August 1995 by a popular referendum, declares itself as the democratic, secular legal and social state. Basic principles of the Constitution are the public consent and political stability, economic development for the welfare of all people of the country. According to act 166 of the Kazakh Constitution (1995), the government works out the basic socio-economic directions of the state policy, its defence preparedness and security, maintains social order and ensures their implementation. The new Constitution of 1995 preserved the extensive executive powers of the President and also abolished the post of vice President. The unicameral *Supreme Kenges* was replaced by a bicameral Parliament. The constitution guaranteed equal rights to all nationalities and prescribed both Kazakh and Russians as “official” state languages, suitable for use in government documents and education. The President and the legislature, Supreme Soviet, are to be elected by universal adult suffrage for five years. According to the Constitution of the country, the President is head of the state and government. The President, with the consent of parliament, appoints the Prime Minister and also can remove him from his post. The Prime Minister, as head of the Council of Ministers is the appointing authority of the other ministers.

The Constitution of the republic has also made provisions for the consent of the President to the appointment of the head of the government, curtails the jurisdiction of the parliament. The Parliament can reject the candidate proposed by the President, but, if this happens twice, the President holds the power to appoint a person of his choice as head of the government. The Parliament faces the risk of dissolution in case it tries to obstruct the president for the third time. The Parliament can express its lack of confidence in the government through a No-Confidence Motion in two cases. The second instance of the no confidence motion occurs in the case when the parliament expresses its rejection twice to a government's proposal by a 2/3 majority in the House. If the Parliament expresses no-confidence in the government, it handovers its own fate to the president to decide. (Art.53) The Parliament, in reality, has limited powers on framing the budget. According to the Constitution of the country, all draft legislations concerning reduction of state revenues or increase in government expenditure should be introduced in the Parliament by the government alone. In October 1998, several alterations and additions were made in the Constitution of the Republic of Kazakhstan. Firstly, the powers of the Parliament in relation to the government were enhanced. In October 1998, both Houses of Kazakhstan's Parliament amended the law to further enhance President's powers. Such amendments have extended President's tenure up to seven years from five years (Art.61) (Mishra 2008:122-23).

The post-independence government was structured by the 1993 constitution with a strong executive, parliament and judiciary. The Constitution formalized the enhanced powers that President Nazarbayev assumed upon the dissolution of parliament in early 1995. The 1995 Constitution expanded the President's powers to introduce veto legislation. The President has the powers to appoint the Council of Ministers headed by the Prime Ministers, and several state committees. The new Constitution does not provide for the position of Vice President. The President has the power to

declare state of emergency during which the Constitution can be suspended. The President is the guarantor of the Constitution. The President can be removed only on the grounds of infirmity and treason. Under the 1995 Constitution, the parliament consists of two Houses, the *Senate* and *Majilis*. All the provinces of Kazakhstan had two senators each, chosen for four year's term by the joint sessions of the provincial legislative bodies. Additional 7 senators were appointed by the President. The Majilis had 67 representatives and Senate has 40 seats. Direct elections for half of the seats are held every two years. The judicial system of the Republic of Kazakhstan consists of the Supreme Court and Local Courts. The judges are appointed by the president of the republic in accordance with the Constitution of the Republic of Kazakhstan. Judicial Power shall be exercised through the Constitutional, civil, administrative, and criminal and other forms of judicial procedure as established by the law. Judicial Power shall be exercised on behalf of the Republic of Kazakhstan and shall be intended to protect the rights, freedoms, and legal interests of the citizens and organizations for ensuring the observance of the Constitution, laws, other regulatory legal acts, and shall ensure international treaties of the republic.

The local administration is effected by the local representatives and executive bodies responsible within the respective area. Local representative bodies- Maslikhats-express the will of the population in the appropriate administrative and territorial units and, in view of the state interests, determines the measures necessary for its realization. The members of the Maslikhats are elected by the people of the Oblast on the basis of universal and equal suffrage through the system of secret ballot for a term four years. The local executive bodies headed by the *hakims* of administrative and territorial units, are included into the uniform system of executive bodies of the republic and provide realization of a nation wide policy of executive authority in development of the appropriate territory. Constitution of the republic talks for an independent mass media (electronic and print). But in

practice the freedom of media has been ignored. The right to expression and freedom of the press, while enshrined in the Constitution and the media laws, is in practice generally not respected.

On 16 May 2007, the Kazakh president, Nursultan Nazarbayev and his government introduced several Constitutional amendments which enhanced the authority of the Parliament and transform the Republic from presidential to a parliamentary one. Nazarbayev stressed the need for strengthening the Parliament role by increasing the number of deputies, introducing new procedures of forming the government on the principles of parliament majority, introducing new procedures of forming the Government on the principles of parliamentary majority, introducing of proportional election system of deputies to the lower chamber of Majilis. According to the new procedures of forming the government, Prime Minister has to be appointed by the President. The party having a parliamentary majority will be responsible for the formation of the government .The proposed election of Majilis deputies under proportional representation system would ensure equal representation of all the community. The President proposed a reduction of the presidential term from seven to five years (Mishra 2008: 117-18).

In a speech on May 16, to the Joint Session of the Chambers of Parliament President Nursultan Nazarbayev summarized the development of Kazakhstan, since independence in 1991, and outlined his proposed constitutional changes.

The main changes as proposed by the President are mentioned in the following few points. These are;

- * A more effective and balanced system of checks and balances is being formed in the form of powers and responsibility by strengthening the role of the parliament;
- * Presidential power is being transferred to parliament;

- * The role and the status of the Senate are being strengthened;
- * The term of the president has been reduced from 7 years to 5 years;
- * To adopt proportional representation for the Majilis or lower Chamber of deputies;
- * To increase the number of senators selected by the President from 7 to 15;
- * To give to the Senate the power of consultation on the appointment of a President of the National Bank;
- * The President is given the right of legislative initiative and the right to dissolve the Majilis only instead of the whole Parliament;
- * To increase the number of Majilis deputies to 107 (98 deputies elected by proportional representation and 9 deputies representing the Assembly of the Peoples' of Kazakhstan). The total number of the parliamentary deputies will, therefore, increase by 38 and will amount to 154;
- * To strengthen the powers of political parties by depriving members of the Majilis of their mandate in the event of their expulsion from their party;
- * To make the government accountable not only to the head of the State, but to the whole Parliament by giving the Government a vote of no-confidence. It will be sufficient for the Majilis to have a simple majority of deputies' votes compared with the previously required two thirds of votes, in order to dismiss the government;
- * To change, the procedure for forming the Constitutional Council and the Central Election Commission. This will occur via the introduction of a law whereby, two thirds of the Constitutional Council, the Central Election Commission and Auditing Committee will be formed by Parliament;

- * The head of the republic now appoints the Prime Minister with the agreement of the lower chamber of the parliament. Foreign, Interior, Justice, Defence ministers, the Chairman and the two members of the Central Election Committee are appointed by him independently;
- * New democratic culture is created. Maslikhats has become the basis of local-self government, which maslikhats may be delegated state powers, by a special law. To ensure the stability of local government the term for the maslikhats is extended from 4 to 5 years;
- * The independence and effectiveness of the judiciary is strengthened. The role of the high judicial council is strengthened, by which council will now perform the functions of the time being redundant board of justice. The same independent body will select the judges from a number of candidates, and will exercise other powers to perfect the judiciary;
- * To introduce a change whereby the composition of the government shall be formed according to the proposals of the Prime Minister. The Prime Minister will also represent the parliamentary majority party. (http://www.kazakhstan,orexca.com/kazakhstan_constitution.shtml).

Seventeen years have passed since Kazakhstan declared its independence on December 16, 1991. At the end of the XXth century Kazakhstan has got a chance to become an equal partner within the family of independent nations of the world. The 17-years period of independent development proved that the chance was not wasted at all, the evidences of that are the country's achievements in all areas of development of the state, society and economy.

Kazakhstan is pursuing a strategic policy aimed at ensuring a staged democratization of all the fields of social and political life. In a short span of time a transfer from one-party dictatorship to a multi-party system and pluralism has been established. The indicators of the true democratization

processes are the promotion of the citizens' rights and liberties, development of independent mass media, formation of the civil society's institutions.

The results of the 17-year independent state development in the economic field are also remarkable. Liberal economy with advanced market-based infrastructure and one of the most progressive among the post-Soviet countries financial and economic system with stable national currency *Tenge* have been created. Kazakhstan has a favorable investment climate. It is experiencing the growth of domestic production and development of up-to-date information technologies.

The social sphere has made transfer from the ideology of state paternalism to a well-thought people-oriented social policy. A national education model is being formed and developed. Acquisition of independent statehood gave a stimulus to development of cultural and historic heritage of all ethnic groups living in Kazakhstan. The society maintains political stability and inter-ethnic harmony. The Assembly of Peoples of Kazakhstan - a unique body in the post-Soviet area representing the interests of all the ethnic groups living in Kazakhstan was established to deal with the inter-ethnic policy issues. A doubtless achievement in the military and political field for the 17-years period of independence is the formation of the Armed Forces, reliable guarantor of the national security and territorial integrity of the state. In its foreign policy Kazakhstan has had significant achievements too. In a short span of time Kazakhstan has ensured its smooth integration into the world community. Meeting the aspirations of Kazakh people and contributing to global and regional security, the President of Kazakhstan has closed Semipalatinsk nuclear testing ground, obtained nuclear-free state status for Kazakhstan, as well as security guarantees from the nuclear states. Kazakhstan has gained international prestige, recognition and respect for its commitment to further promote internal economic and democratic development and contribute to global and regional stability and cooperation.

Reformation period of Kazakhstan's political system began immediately after becoming independent. Transition to democracy commenced under the difficult conditions. There are several phases of construction of the state structure. These are given as below;

First stage (1990 – 1993):

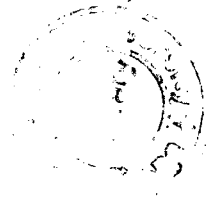
The principal goal during this period was to dismantle the previous political structure: the Soviet control system and the Communist Party's political monopoly. This stage saw the formation of the basis of the parliament-president political structure.

Second stage (1993 – 1995):

During this stage, a new model of Kazakhstan's political system has been selected. The model reflected the political, economic, social and cultural, psychological, geopolitical and ethnic specificities of the country. The changes in the political structure were initiated in the first Constitution in 1993. A principle of separation of powers was fixed therein. The executive and judicial bodies were defined for the first time as independent branches of the government. The first alternative elections to the Parliament were held; new local government bodies – maslikhats were elected.

Third stage (1995 – 1998):

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This stage has witnessed further evolution of the political structure- the core of which was the adoption through 1995 referendum of the new Constitution and the election of a professional bicameral Parliament.

The current development stage (since September 1998) is characterized by further intensification and promotion of democratic principles in the political system of the country. It began with promulgation in autumn 1998 of

the President's message on Democratization Program and by bringing in certain amendments to the 1995 Constitution and other legislative acts expanding the Parliament's powers. A major commitment to further political reform came in 2005 in the wake of the country's steady economic success and robust growth. In February 2005 State-of-the-Nation Address and September 2005 Address to the joint session of both houses of the Kazakh Parliament, the President has spelled out a comprehensive programme of further political reform. The programme places a special focus on such issues as the enhanced role of the Parliament, nurturing of political parties and civil society institutions, building genuinely free media sector, efficient, fair and transparent judiciary system and institutions supporting the rule of law, developing and enhancing the traditions and culture of good and efficient local governance, including elections of local governors etc. (www.subcontinent.com/sapra/Kazakhstan_roundtable_20050408.html).

These issues are being widely and meticulously debated in the society under the auspices of the State Democracy Commission purposely established in 2006 and composed of representatives of government, legislature, political parties, NGOs and media.

The State Democracy Commission came up with a comprehensive summary of the extensive public democracy debate by June 2006 and the above key elements of the broad political reform programs were decided to put in place in two phases between 2006 and 2011. Addressing the Parliament in September 2005 President Nazarbayev acknowledged the challenges Kazakhstan would face as it moves toward greater democracy, and confirmed his strong commitment to walk this path to its end: "Indeed, we do not have established democratic traditions, and we will move forward through trials and mistakes. This will not be an easy path. We must carry out these complex historical changes in the hope that we will bring the people of Kazakhstan even closer together for the sake of our common future" (President Speech to parliament 2005). The commitment to a persistent political reform was

reinforced by President Nursultan Nazarbayev on 1 March, 2006 in his annual State-of-the-Nation Address where he emphasized the need to protect Kazakhstan's infant democracy. He stressed that as democratic institutions were created in Kazakhstan, priority must be given to protect them and that democratic reform could not succeed without stability.

Republic of Kazakhstan as per its 1995 Constitution (amended in 1998) is a democratic, secular, law-abiding and social state, the supreme values of which are an individual, his life, rights and freedoms. Kazakhstan is the unitary state with the presidential as the real executive head. (<http://ozs.mofcom.gov.cn/table/kaza/political.pdf>). The State power is uniform, and carried out on the basis of the Constitution and laws according to a principle of its division into legislative, executive and judicial branches and interaction between them with the use of the system of compromises and counter-balances. Basic principles of the activity of Kazakhstan as a state are, public consent and political stability, economic development for the sake of all people, Kazakhstani patriotism, resolution of the most important issues of the state and public life by democratic methods, including voting on a republican referendum or in Parliament. Kazakhstan admits the ideological and political pluralism. The merger of public and state institutions, creation of the units of political parties in state structures is illegal, intervention of the state into the affairs of public associations, placing of functions of the state on the public associations, state financing of public associations is also not allowed.

President of the Republic of Kazakhstan is the head of the state, its supreme official, who determines the basic guidelines of the internal and external policy of the state and represents Kazakhstan inside the country and in the international relations. On January 10, 1999 on an alternative basis Nursultan Nazarbayev was elected the President of the Republic of Kazakhstan for the first seven-year term, having received 79.78% of votes.

The Parliament of the Republic of Kazakhstan is the supreme representative body of the Republic which carries out supreme legislative functions. It consists of two Chambers - the Senate (39 seats – where 32 seats are taken by 2 members from each electoral region (14 regions, cities Astana and Almaty) and 7 members represent the President of the Republic of Kazakhstan) and Majilis (77 seats from which 67 are filled on majority system and 10 under party lists). The elections to the lower chamber (Majilis) are carried out by direct, secret and universal suffrage and in upper chamber (Senate) - indirect ballot. A legal term of the Senate is 6 years and that of the Majilis is 5 years.

The Government carries out executive authority of the Republic of Kazakhstan, heads the system of executive structures. The Prime-Minister who is the executive head of the government of the republic is responsible to the President and is accountable to the Parliament for his act of omission and commission. With a view of maintenance of the strict observance of the Constitution of the Republic of Kazakhstan the Constitutional Council is created.

Electoral system has been reformed. The new Election Law has been signed by President of Kazakhstan Nursultan Nazarbayev on 15 April, 2004, introducing reforms unprecedented in Kazakhstan and the entire region. The reforms take into account international and OSCE standards in elections. The signing took place after prolonged and at times dramatic public debate with active participation of political parties and non-governmental organizations. Participants in the discussions included international groups such as the Organization for Security and Cooperation in Europe (OSCE) and the U.S.-based National Democratic Institute and International Republican Institute. The presidential press office said after the signing of the law: “The law is directed at further improvement of the election system, strengthening the guarantees ensuring electoral rights, transparency of the election process and the independence of electoral commissions” (Election Law 2004). Under the

new law, electoral commissions are being elected by maslikhats (local elected assemblies) based on proposals from all political parties. Representatives of candidates, political parties, NGOs as well as of foreign/international bodies and organizations are able to observe the entire process, from the beginning of campaign to the end of vote count. Among many other innovations are the introduction of transparent ballot boxes, and a provision for future introduction of electronic voting. The law established a new framework for people to freely express their political opinions in the parliamentary elections in 2004 and the presidential one in 2006, and on into the future. Under the new Election law foreign representatives are given unimpeded access to all stages of the electoral process as observers.

Today, it is widely acknowledged that Kazakhstan has accomplished a lot on its way to a free and independent Kazakhstan. This has become possible due to the internal political stability, persistent economic and democratic reforms and the recognition and support of the world community. Kazakhstan has crossed the threshold of the third millennium being dedicated to the values and principles of democracy. The country has set up the basic social and economic conditions for further development of democratic processes.

Chapter-III

Political System in Kazakhstan

Political Parties:

Political Parties are important because the complex interrelationships between and among political parties are crucial in structuring the way political systems work in practice. The most familiar way of distinguishing different types of party system is the number of parties competing for power.

Duverger (1954) has made distinction among the Political Parties. These are -‘One party’, ‘two-party’ and multiparty systems. As Sartori (1976) pointed out the relevance of parties in relation to the formation of governments, and their size gives them the prospect of winning, or at least sharing, government power (Heywood 2007:282).

A political party is a political organization that seeks to attain and maintain political power within government, usually by participating in electoral campaigns. Parties often espouse an expressed ideology or vision bolstered by a written program and agenda with specific goals, coalition among different interests.

So far as evolution of political parties of Kazakhstan is concerned, it has their root at the beginning of the 20th century. At that time Kazakhstan was a part of Russian Empire. The increased Russian influence and colonization policy in Kazakhstan conducted to the creation of the *Alash Orda* the first political party of Kazakhstan in 1917. This party was formed by the Kazakh aristocracy against the Tsarist regime. The main goals of the party were "political self-determination, the defense of Kazakh land from further Russian invasion, the creation of new land regulation, the formation and maintenance of Kazakh written language and the promotion of educational programs." *Alash Orda* was the first manifestation of the national political consciousness

of the Kazakh people. Being a part of the Soviet Union, Kazakhstan could not avoid the omnipresence of the Communist party. The Bolsheviks tried to suppress nationally oriented movement and in 1928 Alash Orda lost its ruling positions to the Communists. For seventy years Kazakhstan was under the control of the Communist party. Economic, cultural, and social life of the country was subordinated to the unlimited power of the party. Madinov is of the opinion that the "Agrarian party should be a conservative political force, which is against revolutionary changes and for political stability". (<http://ozs.mofcom.gov.cn/table/kaza/political.pdf>political). The lack of finances may cause low participation of the parties in the parliamentary elections, which require significant financial expenditures. Thus, population of Kazakhstan does not know much about political parties and does not seek to be informed about them. The emergence of new Political parties and groups in the region is the outcome of the reform policies started by Mikhail Gorbachev in mid 1980s. But the number of these parties has sharply increased only after the disintegration of the Soviet Union in 1991. The appearance of these new democratic elements in the Political system of Central Asian republics in general and Kazakhstan in particular was initiated by alternative groups and movements that came up during the middle of 1988. The main objective of these informal and formal alternative groups is to establish a multi-party Political system (Badan 2001:120).

Democratic values are associated with the presence of party based politics, various freedoms of belief, expression and organization allied to a rule of law which ensures safeguards against arbitrary use of power by the State or any other group or individual (Saltmarhe 1996:391).

In October, 1999 parliamentary elections were held in Kazakhstan. The party (Agrarian Party) withdrew its candidates from the elections by recognizing elections as illegal. There are also other centrist parties such as the Party of patriots, Party of Revival of Kazakhstan, Republican Labour Party, and People's Cooperative Party of Kazakhstan. Thus, from the beginning

Agrarian Party was created in support of existing power. Many brilliant Kazakh scholars and representatives of the Kazakh intelligentsia were declared as "enemies" and killed. Civil Party of Kazakhstan was created in 1998. To achieve this goal, the leaders stand for the decrease of state influence in economy and development of the private initiatives. According to Kossanov, there are weak and strong sides of the party. However, this opposition party was the only one, which could propose a serious economic program for further development of the country based on mixed economy (www.megaessays.com/viewpaper/15347.html).

There are presently twelve officially registered political parties in Kazakhstan. These are given in detail as below;

1. Agrarian party of Kazakhstan

The Agrarian Party of Kazakhstan was registered on 16th March 1999. The head of the party is Madinov Romin Rizovich. The total membership of the party is 60,000. The party has structural subdivisions in 12 regions, cities, in Astana and Almaty. The social basis of the party is rural commodity producers, farmers, small business owners, rural cooperatives and partnerships (Abshiev 2002:76).

The fundamental objects of the party are the protection of the agrarian workers' political, civil, economic, social and cultural rights and interests; active participation in political life of the society; influence the formation of political will of peasants, village inhabitants; participation in the elections to the central and local state bodies; to promote the economic development of the agrarian branch, its social status and living standards improvement. At the elections to the Majilis (lower Chamber of Parliament) 19 September 2004 the Agrarian party participated within Agrarian industrial union of workers. They got 7.07% of the vote (http://www.kazakhstan.orexca.com/kazakhstan_political_parties.shtml).

2. Civil Party of Kazakhstan:

The party has been registered on 29th December, 1999. The first secretary of the party is Peruashev Azat Turlybekovich. It is a mass based party having branches in every region, including Astana and Almaty. Its social basis is representation of industrial enterprises, workers, and engineers.

The goals of the party are to strengthen and develop statehood of the republic, formation of legal state principles, equality before the law, purification of state bodies from corrupt civil servants, to establish law and order in all spheres of state and public life, business expansion, strengthening the material well-being and social status of citizen and family.)
(http://www.kazakhstan.orexca.com/kazakhstan_political_partie... - 34k

3. Social Democratic Party

Nationwide Social Democratic Party is a political party in Kazakhstan led by former Presidential candidate Zharmakhan Tuyakbay. The party was registered by the authorities of the Justice Ministry in January 2007, aiming to become a member of the Socialist International Organization. On 11 June 2007; the Party announced its intention to merge with the Naghyz AK Zhol (True Bright Path) party. It has been reported that 'recent amendments in Kazakhstan's Constitution, including changes in the structure of parliament, have sparked speculation about early parliamentary elections will be held this year.

On 18 June 2007, however, the Kazakh parliament approved an amendment regarding the electoral law, preventing parties from forming blocs. In August 2007 Assembly elections, the party won 4.62 % of the popular vote and no seats. All seats were won by the ruling Nur-Otan party.

4. Communist National Party of Kazakhstan

The Communist National Party was registered on 21st June 2004. The first secretary of the party is Kosarev Vladislav. The total membership of the Party is 70,000. The Party goal is based on Marxist-Leninist ideology. During the elections to the Majilis in 2004 the party received 1.98% of the vote. (http://www.kazakhstan.orexca.com/kazakhstan_political_parties.shtml).

5. Democratic Choice of Kazakhstan

Democratic Choice of Kazakhstan was founded as a result of a split within ruling elite that erupted into a full-scale crisis in November 2001. The roots of the crisis is not clear, yet it appears that a conflict of interests between a group of reformist bureaucrats, including the governor of Pavlodar region, Galymzhan Zhakiyanov, deputy premier Oraz Zhandasov and Mukhtar Ablyazov, former minister of Energy and the owner of Astana holding, and President Nazarbayev's son-in-law Rakhat Aliyev prompted the former to declare establishment of a pro-business, pro-reform movement called Democratic Choice of Kazakhstan. Founders of the movement included Deputy Defense Minister Zhannat Yertlesova, Deputy Finance Minister Kairat Kelimbetov, and leading businessmen, the head of the Kazkommertz bank Nurzhan Subkhanberdinand Bulat Abilov. The then Prime Minister, Tokaev harshly criticized the movement and asked the founders to resign from their government posts. The crisis was contained as a result of the intervention of Nazarbayev. Tokaev was reassigned as the Foreign Minister, while Rakhat Aliyev was transferred to Vienna as ambassador. Zhakiyanov, Zhandasov, Ablyazov and others were fired from their government positions.

Democratic Choice of Kazakhstan, from its foundation, embraced a number of influential politicians and wealthy businessmen of the country who grew disillusioned with the inner circles of President Nursultan Nazarbayev. The movement adopted a strong anti-Nazarbayev stance and criticized the

corruption and nepotism of the president and his clique. Despite repeated attempts, authorities did not register DCK as a political movement. Democratic Choice of Kazakhstan was founded out of the movement and participated in the 2004 parliamentary elections in a bloc with Serikbolsin Abdildin's Communist Party. The bloc failed to win any seats in the parliament.

(http://en.wikipedia.org/.../category:political_parties_in_kazakhstan).

The party was disbanded in February 2005 before the presidential elections. But the party-led coalition of opposition forces, For a Just Kazakhstan, nominated former deputy chairman of the OTAN party, Zharmakhan Tuyakbay as a presidential candidate in the elections held on 4 December 2005. Tuyakbay received 6 % of the votes. It was split in the spring of 2002 as a group of moderate members, including Oraz Zhandasov, Bulat Abilov and Alikhan Baimenov established the center- right Ak Zhol Party. Later, Ak Zhol also gave birth to another party, Naghyz Ak Zhol, led by Bulat Abilov, Altynbek Sarsenbaev and Oraz Zhandasov. The leaders of the party have been trying to reregister the party with a new name Alga Kazakhstan.

(International Eurasian Institute for Economic and Political Research 2007).

6. The Communist Party of Kazakhstan:

The Communist Party of Kazakhstan was founded 1936 when Kazakhstan was granted as a status of the Union Republic. The Communist Party of Kazakhstan had been a branch of CPSU until the dissolution of the Soviet Union. The 18th Congress of the Communist Party of Kazakhstan took a decision to rename the Communist Party as the Socialist Party and split from CPSU. Nursultan Nazarbayev, the party chairman, resigned when he became the first President of the republic in 1991. Dissatisfied members of the old Communist Party recreated the Communist Party of Kazakhstan in October 1991 at the 19th Congress of the party. Communist Party of

Kazakhstan was officially registered on 28 February 1994. Communist Party of Kazakhstan has a well-established party structure with offices in all of the oblasts. Communist Party of Kazakhstan is estimated to have around 70 thousand members. (http://www.rferl.org/specials/kazakh_votes/parties.aspx)

The main aim of the party is the advancement of freedom and social justice, founded on the basis of the principle of scientific socialism and priority of common human values (Badan 2005:129).

At the last legislative elections, 19 September and 3 October 2004, an alliance of the Communist Party of Kazakhstan and the Democratic Choice of Kazakhstan won 3.4 % of the popular votes without getting any seats. At the 4 December 2005 presidential elections, Communist Party of Kazakhstan, Democratic Choice of Kazakhstan and the Naghyz AK Zhol Party formed a coalition movement, for a Just Kazakhstan and supported Zharmakhan Tuyakbay as presidential candidate.

7. The Republican Party of Kazakhstan:

The Republican Party of Kazakhstan was established on 22 November 1992, and was officially registered on 26 December in the same year. This is a moderate nationalist and Pro-government Political party. The membership of the party is about 17,000. The Republican Party of Kazakhstan claims to represent the interests of the Kazakh people. The Party supports the program of reform and the foreign policy course of the President and the government of the republic (Badan 2005:129).

8. Ak Zhol Party:

A dissident group in the Democratic Choice of Kazakhstan Movement founded *Ak Zhol* in March 2002. In November 2001 anti-Nazarbayev activists founded the Democratic Choice of Kazakhstan. The radical stance of the movement was dissented by a group of moderate members who split from the

movement in the spring of 2002 to form the new and rather moderate party which advocate a pro-reform, pro-business party line. The party differs from Democratic Choice of Kazakhstan and the leaders refrain from openly confronting the president of the Republic of Kazakhstan. *Ak Zhol* was founded by Oraz Zhandasov, Bulat Abilov and Alikhan Baimenov. Later, the ex-information minister Altynbek Sarsenbaev joined the party

The party received 12% votes in September 2004 elections of the parliament. The party won only one seat out of 77 parliament's seats. The *Ak Zhol* talks about the democratization of the political system of the country, particularly elections of the governors (*hakims*) at every levels of the administrative system.

The party was divided into two groups in 2005. The splinter group was named as *Naghyz Ak Zhol*. In the last presidential election of 2005, Ak Zhol did not join the *For a Just Kazakhstan* (coalition of opposition forces) and nominated its own candidate, Alikhan Baimenov, for the post of president. Baimenov received 1.61% of the popular votes. In August 2007 parliamentary elections, the party won 3.27% of the popular votes and did not get a single seat.

9. The People's Communist Party of Kazakhstan:

The People's Communist Party of Kazakhstan is a political party in Kazakhstan. At the last legislative elections, 19 September and 3 October 2004, the party won 2.0 % of the popular votes and won no seats. In the August 2007 Assembly elections, the party won 1.31 % of the popular votes and did not get seats in the parliament. All seats were won by the ruling Nur-Otan party.

Nur-Otan, literally means, *fatherland's ray of light* is the largest political party in Kazakhstan with over 762,000 members. Since 2007 it is headed by

President of Kazakhstan, Nursultan Nazarbayev. Nazarbayev's predecessor in the party was Bakhytzhan Zhumagulov.

The party's predecessor, *Otan* was originally established on 12, February 1999 after the merger of several pro-presidential parties, including the People's Union of Kazakhstan Unity, the Liberal Movement of Kazakhstan, and the "For Kazakhstan-2030" Movement. At the "Uniting" congress the new party outlined a program largely supportive of the government of Nazarbayev (Abshiev 2002:76). In the last legislative elections of 2004 the Otan party won 60.6% of the popular votes and won 42 seats out of 77 seats.

Otan merged with Dariga Nazarbayeva's Asar on 25 September 2006, which increased the party's seats in the Parliament 42 to 46 out of 77. In the Post merged Period Nazarbayev remarked to his daughter "Tell your Asar members that... you are returning to your father." (http://en.wikipedia.org/.../category:political_parties_in_kazakhstan).

In December 2006 it was announced that the Civic Party and the Agrarian Party would follow the Asar's path and also merge with *Otan* to increase Otan's share of MP's from 46 to 57 seats out of 77. At the subsequent party congress on 22 December 2006, delegates voted to rename the party *Nur-Otan*.

These moves signal the first time in the history of Kazakhstan that a ruling party, explicitly supportive of President Nazarbayev, has been formed. In August 2007 Assembly elections, the party won 88.05 % of the votes and won all the seats.

10. For a Just Kazakhstan

For a Just Kazakhstan political movement was founded by the Communist Party of Kazakhstan, the Naghyz AK Zhol Party and the Democratic Choice of Kazakhstan Party as an opposition coalition to nominate a single candidate

in the 2005 presidential elections. The movement is led by Zharmakhan Tuyakbay, the former speaker of the Majlis of Kazakhstan.

The aims of the party are democratization of the political system, election of the regional governors, investigation of corruption cases involving the family of the president Nazarbayev and the fair redistribution of national wealth.

11. Ruhaniyat Party (spirituality)

This is a political party in the republic of Uzbekistan. The party was registered in October 2003. The party is headed by Zhaganova Altyntash Kairzhanovna. There are 53,931 members. Its social basis is education, public health, science and cultural sphere workers, civil servants, administrative and engineering personnel, entrepreneurs, students.(http://www.kazakhstan.orexca.com/kazakhstan_political_parties.shtml).

The main goals of the Party are economic growth, resolving of social issues, development of a society of high morals and spiritual wealth. The Party got 0.44% of votes and has no deputy in Parliament.

12. Republican Political Party (*Asar*)

The head of the party is Nazarbayeva Dariga Nursultanovna. The Party was registered in December 2003. There are approximately two thousand members. *Asar's* declared aims are to build an economically strong, democratic, legal and social state with developed institutions of civil society. (http://www.kazakhstan.orexca.com/kazakhstan_political_parties.shtml).

MEDIA

Media is known as the fourth Pillar of democracy. It can help the people to understand the operations of government, participate in political decisions, and hold government officials accountable. In practice, however, its effects are often quite different. In the age of mass media, democratic governments and politicians may find it useful to simulate the political virtues of transparency through rhetorical and media manipulation. Today political transparency is virtually impossible without some form of mass media coverage. However, mass media can frustrate the values of political transparency even while appearing to serve those values. When politicians and political operatives attempt to simulate transparency and appropriate the rhetoric of openness and accountability, the mass media does not always counteract the simulation. Indeed, it may actually tend to proliferate it.(www.yale.edu/lawweb/jbalkin/articles/media01.htm).

Mass media plays important role and makes great contribution in prevention of corruption. It influences the views and awareness of the population about the general political, economical and social life within the society. During the former Soviet Union, the state completely influenced the people's Consciousness and people were forced to do and believe what the state said. By using propaganda, various local authorities kept the whole country in obedience. All mass media were controlled by the state, and informational flow was subjected to censorship. People were unaware of what was happening in the highest echelons of power; either it was corruption or other illegal actions, and that's how public opinion was formed. After disintegration of the USSR socio political changes started taking place at the beginning of 1990s. Independent mass media started competition against the state owned media out lay. Many TV/radio stations and channels gave full creative freedom to the journalists and by not restricting them through ideological and political frameworks. (<http://www.10iacc.org/dowanload/t2-05>).

So far as the law of the USSR on the Press and other news media is concerned it came into effect from August 1990, which was the first law related to media in history of the USSR. The law provided for the promotion of openness and pluralism of opinion in the Soviet Press. Before the passage of the Soviet Press law, the Press was controlled by the Government of the USSR, with the help of the censor board known as Glavlit. The media persons had to look development in the society from the ruling party's view (Badan 2001).

The first law on the press and other mass media, providing freedom of speech for citizens and fundamental rights for the media and journalists, was adopted in 1991. With this legislative act, the political censorship that existed during the Soviet regime was abolished. A new law on mass media was adopted on July 23, 1999. This law develops the democratic principles set forth in the previous law. The new law is better suited to strengthening freedom of speech and protecting the rights and liberties of the citizens of Kazakhstan.

According to the new law, government agencies and other organizations, as well as officials guilty of concealing information or hindering a journalist in his or her professional activities can be held criminally liable.

Article 2 of the law of the media talks about the freedom of speech, receipt and information dissemination etc.

1. Freedom of speech, creative work, expression of one's views and beliefs in printed or other form, receipt and spread of information in legal way shall be guaranteed by the Constitution of the Republic of Kazakhstan. Censorship shall be prohibited.

2. Government bodies, public associations, government officials and mass media shall be obliged to provide an opportunity for each citizen to become

familiar with documents, decisions and information sources affecting his rights and interests.

3. Use of a mass media for propaganda or agitation of forced change of Constitutional order, break of integrity of the Republic of Kazakhstan, detriment of national security; war, social, racial, national, religious, class or patrimonial superiority, cult of cruelty and violence, pornography and spread of data forming state secret of Kazakhstan and other registered secrets shall be barred.

Article-3 is related to the Mass media language

1. Mass media shall be spread in the state and other languages.

2. Volume of broadcasting in the state language via TV and Radio broadcasting channels despite the form of ownership shall not be less than total volume of broadcasting in other languages.

Article- 5 of the law shed light on the right to found a mass media. The right to establish a mass media belongs to natural and legal persons in accordance with legislation of the country. Mass media may be found in a form of a legal person as well as in a form of structural subdivision of a legal entity.

Certificate of registration of a mass media is a basis for realization of broadcasting of mass media products, dissemination of reports and materials of informational character.

It shall be prohibited for foreign nationals and legal entities and persons with no citizenship to own directly or indirectly, use, dispose and or manage more than 20 percent of stocks of a legal entity that owns a mass media in the republic.

Article-19 focuses on the Freedom of expression. This is related to the fundamental human right which is protected by Article 19 of the Universal Declaration of Human Rights (UDHR), binding on all States as a matter of

customary law. It is also guaranteed by a number of legally binding international human rights treaties, including the European Convention on Human Rights (ECHR),

2. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent states from requiring licensing of broadcasting, television or cinema enterprises (Abshiev 2002).

Article 20 talks about the Rights of a journalist. Journalist shall have the right to accomplish research, request, receive and disseminate information; to visit government agencies, organizations with all forms of ownership and to be received by their officials in relation to maintenance of their business responsibilities, to make recordings including use of audiovisual equipment, cinema and photo shooting except events prohibited by legislative acts of the Republic of Kazakhstan; to be allowed upon presentation of journalist's credentials in the regions of natural disasters, at meetings and demonstrations and at events with other forms of expressing public, group and personal interests and protest; to have access to documents and materials except their fragments containing data that is a state secret; to check trust worthiness of received information.

Freedom of expression is protected, subject to certain restrictions, in Article 20 of the constitution of Kazakhstan which states:

1. The freedom of speech and creative activities shall be guaranteed. Censorship shall be prohibited.

2. Everyone shall have the right to receive and disseminate information by any means not prohibited by law. The list of items constituting state secrets of the republic of Kazakhstan shall be determined by law.

3. propaganda of or agitation for the forcible change of the Constitutional system, violation of the integrity of the republic, undermining of the state security, and advocating war, social, racial, national, religious, class and clannish superiority as well as the cult of cruelty and violence shall not be allowed. (Report on the Legal Framework for Media Coverage of Elections in Kazakhstan, 2001)

Article-24 is related to the activity of foreign mass media representatives in the republic of Kazakhstan. Accreditation of foreign mass media representative offices and their journalists shall be held by the Ministry of Foreign Affairs of the Republic of Kazakhstan.

Further grounds for restrictions and conditions on those restrictions are set out in Article 39 which states:

1. Rights and freedoms of an individual and citizen may be limited only by laws and only to the extent necessary for protection of the Constitutional system, defense of the public order, human rights and freedoms, health and morality of the population. Any action capable of upsetting inter-ethnic concord shall be deemed unconstitutional.

2. Any form of restrictions to the rights and freedoms of the citizens on political grounds shall not be permitted.

ELECTIONS:

The Constitutions of Kazakhstan has established Presidential form of government in the republic. The President of Kazakhstan is the head of state and nominates the head of government. Executive Power is exercised by the government. Elections in Kazakhstan are held on a national level to elect a President and the Parliament, which is divided into two chambers- the Majilis and the Senate. Local elections for maslikhats (local representative bodies)

are held after every five years. Elections are administered by the Central Election Commission of the Republic of Kazakhstan.

Kazakhstan is a one party dominant state in the way that only supporters of the president can share power. Opposition political parties are allowed, but are widely considered to have no real chance of gaining power due to corruption. Kazakhstan's president is elected by the people and serves for at most two five-year terms. Term limits were removed for the incumbent Nursultan Nazarbayev on 18 May 2007, when parliament also voted to reduce the term length from seven to five years.

The 1999 presidential election of Kazakhstan took place on 10, January 1999 in the Republic of Kazakhstan. Incumbent president Nursultan Nazarbayev won the election with over 80% of the vote, and was sworn into office on 20, January 1999. Most observers viewed the election as unfair, further confirming that Nazarbayev was not interested in promoting a democratic system of government. Kazakhstan's second presidential election was originally scheduled to occur in 1996. After the 1995 Constitutional referendum the date was extended till December 2000. The elections for the Parliament took place in early 1999. On 7 October 1998; nineteen amendments to the Constitution were passed by Parliament and signed into law by President Nazarbayev. The following day of the amendment Parliament asked Nazarbayev to shorten his current term in office. The president agreed, after which the Majilis set 10, January 1999 as the date for new elections. The main opposition candidate, Akezhan Kazhegeldin, was barred from running in the election which was criticized by many observers. A recently passed law prohibited anyone convicted of a crime from running in the election. Kazhegeldin had recently been convicted of participating in an unsanctioned election rally, thereby becoming ineligible to seek office.

Results

Kazakhstan Presidential Election Results(10 January 1999)		
Candidates and nominating parties	Votes	%
Nursultan Nazarbayev - Party of People's Unity of Kazakhstan	5,846,817	81
Serikbolsyn Abdilin - Communist Party of Kazakhstan	857,386	11.9
Gani Kasymov	337,794	4.7
Engels Gabbasov	55,708	0.8
Against all	55,708	0.8
Total (turnout 85.8%)	7,221,408	

(http://en.wikipedia.org/wiki/kazakhstani_presidential_election,_1999).

For the first time in an election of the republic, ballots included an option to vote against all candidates. Nazarbayev's party, the Party of People's Unity of Kazakhstan, was renamed as the Otan Party two months after the election. Serikbolsyn Abdilin, the runner-up in the election, claimed widespread voter fraud and a failure to properly count ballots.

The U.S. Department of State commented that the undemocratic nature of the elections "cast a shadow on bilateral relations".<http://www.eurasianet.org/departments/election/kazakhstan/crissmit.html>.

December 2005, Presidential election of the Republic of Kazakhstan conducted under a new law on elections and a presidential decree designed to ensure free and transparent voting. Initially 18 people, including 5 women, sought the presidency. Five of the eighteenth members fulfilled all Constitutional requirements for candidates. They are: Mr. Yerasyl Abylkasymov, a leader of the Communist People's Party of Kazakhstan, Alikhan Baimenov, chairman of the "Ak Zhol", Mels Eleusizov self-nomination, "Tabigat" (Nature) environmental movement. Nursultan Nazarbaayev, the incumbent President who was nominated by the "Otan" Party, Zharmakhan Tuyakbai, the leader of the "For Just Kazakhstan". People of Kazakhstan have voted for stability and further implementation of the strategic program proposed by Nazarbayev. All efforts of Kazakhstan's Government, NGOs, Mass-media and the whole Kazakh society had been made to ensure free and open conduct of the election with the accordance of principles of democracy, transparency and fairness. (News Bulletin Released by the Embassy of the Republic of Kazakhstan 2005).

Incumbent President Nursultan Nazarbayev, in power since 1989, sought and won another seven-year term against four other candidates in December, 2005, presidential election. Opposition candidates were allowed some access to the mass media, but this was still restricted. According to Western election observers, opposition candidates also suffered considerable harassment. The Organization for Security and Cooperation in Europe criticized the elections, calling them unfair, but noted improvements.

Kazakhstan presidential election results (4 December 2005)		
Candidates and nominating parties	Votes	%
Nursultan Nazarbayev - Fatherland (<i>Otan</i>)	6,147,517	91.15
Zharmakhan Tuyakbay - Coalition for a Just Kazakhstan	445,934	6.61
Alikhan Baimenov - Democratic Party of Kazakhstan Bright Path	108,730	1.61
Yerassyl Abylkassymov - People's Communist Party of Kazakhstan	23,252	0.34
Mels Yeleusizov-Tabigat, Environmental Movement	18,834	0.28
Total (turnout 76.8%)	6744267	

(Results of Presidential election in Kazakhstan, Keesing's Record of World Events, News Digest for December 2005, vol51, no 12, p.46992).

Onalsyn Zhumabekov, Chairman of Kazakhstan's Central Election Commission, declared the election valid. About 1,600 observers monitored the election, including 465 from the influential Organization for Security and Cooperation in Europe.

Bruce George, coordinator for observers from the Organization for Security and Co-operation in Europe, was highly critical of the election: "Regrettably, despite some efforts which were undertaken to improve the process, the authorities did not exhibit sufficient political will to hold a genuinely good election. "The OSCE has gone on record noting the following issues with the election "Unauthorized persons interfering in polling stations, cases of multiple voting, ballot box stuffing and pressure on students to vote were observed during voting and during the count.

The parliamentary election was held in Kazakhstan on 18 August 2007 for 107 seats. Under the changes, 98 deputies were elected by party lists, an increase from just 10 in the last legislature. The remaining nine seats are reserved for the Assembly of Peoples of Kazakhstan. The President's party, Nur-Otan, received about 88% of the votes and won all of the available seats. None of the six other parties contesting the election reached the 7% threshold to win the seats. The election was described on state television as "a real step towards democracy", although the opposition Nationwide Social Democratic Party, which received almost 5% of the vote, denounced the election, and Organization for Security and Cooperation in Europe observers said the election showed some progress, but was also marred by problems, saying that "in over 40 percent of the polling stations visited, which was worse than in the last parliamentary and presidential elections. Bias in the state media was also considered a major problem.

18 August 2007 Assembly of Kazakhstan election results

Parties and alliances	Votes	%	Seats
Nur Otan	5,24,720	88.41	98
Nationwide Social Democratic Party	269,310	4.54	0
Ak Zhol	183,346	3.09	0
Village Social Democratic Party	89,855	1.51	0
People's Communist Part of Kazakhstan	76,799	1.29	0
Party of Patriots	46,436	0.78	0
Rukhaniyat Party	22,159	0.37	0
Total (turnout 68.4%)			98

(Results of Presidential election in Kazakhstan, Keesing's Record of World Events, News Digest for August 2007, vol53, no 8, p.48082).

Role of Opposition Parties in Kazakhstan:-

The role of opposition is an important parameter of democracy in a society. Kazakhstan has been taking positive steps to build democracy. In the Kazakhstan opposition party's role is very weak. In 2004 Parliamentary election, opposition could not achieve the overall objective mandates to Majalis (the Lower Chamber of the Parliament). It couldn't do anything spectacular in the Presidential elections of 2005.

In Kazakhstan, there are two types of opposition: "Pro-Westerners" and the Communists. The "Pro-Westerners" are represented by the Democratic Party of Kazakhstan "Akzhol" under the leadership of Alikhan Baimenov and the Party of the Democratic Choice of Kazakhstan led by Zharmakhan Tuyakbay (Sapanov 2006:77-83).

Judiciary

Judicial power shall be exercised on behalf of the Republic of Kazakhstan and shall be intended to protect the rights, freedoms, and legal interests of the citizens and organizations for ensuring the observance of the Constitution, laws, other regulatory legal acts, and shall ensure international treaties of the Republic. (Article 76) <http://www.supcourt.kz/en/>

A new Constitution was adopted by referendum in 1995, placing the judiciary under the control of the president and the executive branch. There are a national-level Supreme Court and Constitutional Council and local and Oblast (regional) level courts. There is also a Military Court system. Local level courts serve as courts of first instance for less serious crimes such as theft and vandalism. Oblast level courts hear more serious criminal cases and also hear cases in rural areas where no local courts have been established. A judgment by a local court may be appealed to the Oblast level. The Supreme Court hears appeals from the oblast courts. The Constitution establishes a seven

member Constitutional Council to determine the constitutionality of laws adopted by the legislature. It also rules on challenges to elections and referendums and interprets the Constitution. The president appoints three of its members, including the chair.

Under Constitutional amendments of 1998, the president appoints a chairperson of a Supreme Judicial Council, which nominates judges for the Supreme Court. The Council consists of the chairperson of the Constitutional Council, the chairperson of the Supreme Court, the Prosecutor General, the Minister of Justice, senators, judges, and other persons appointed by the president. The president recommends and the senate (upper legislative chamber) approves these nominees for the Supreme Court. Oblast judges are appointed by the president. Lower level judges are appointed by the president from a list presented by the Ministry of Justice. Under legislation approved in 1996, judges serve for life.

The Constitution calls for public trials where the defendant has the right to be present, the right to counsel, and the right to call witnesses. In practice, trials of political oppositionists have been closed, and there is widespread corruption among poorly paid judicial personnel. A new criminal code that came into force in 1998, removed some types of Soviet-era crimes such as parasitism.

Nazarbayev has stated that "the path from totalitarianism to democracy lies through enlightened authoritarianism" but has nonetheless allowed some degree of pluralism. The US State Department concluded in its Country Reports on Human Rights Practices for 2001 that the Kazakh Government respected the human rights of its citizens in some areas, but serious problems remained in others. The government limit on citizens' right to change their government. The government increasingly moved against independent media, harassing and monitoring them.

www.nationsencyclopedia.com/Asia-and-Oceania/Kazakhstan-Judicial-system.html.

Thus, in short we can say that the political systems that have emerged in Kazakhstan can be characterized as secular authoritarianism. The trend towards authoritarianism has meant strict control over the political process.

CHAPTER-IV

Challenges to the Political System of Kazakhstan:

The collapse of the Soviet system took place in December 1991. Soon after the disintegration of the former USSR, the five Central Asian republics became independent. In the aftermath of the dissolution of the Soviet Union, the five Republics of the former Soviet Central Asia in 1991 embarked on political and economic reforms to make over themselves from a planned to a market economy, from an authoritarian political system to a democratic polity. Today, in the interconnected world of global markets it has become apparent that those countries are able to find right formulas for both political and economic reforms would be successful in their overall political and economic development.

The National program of political reforms, which seeks to further democratize Kazakhstan based on a dialogue with all sections of the society. The National Commission on Democratization and Civil Society has been authorized to supervise this process and give recommendations to the President and the parliament on the nature and direction of political reforms. Provisions given in the Kazakh Constitution ensure that there is a check and balance, division of powers security of rights and freedoms, etc. The most significant point of the reforms is the attempt to bring in the decentralization of executive power and enhancing the effectiveness of the government. The Kazakh president made it clear in his address that the emphasis will be on decentralization of power at the local levels for which administrative reforms will be undertaken. Three key tasks outlined for this are: improve administrative services of the state, reduce the bureaucracy of government, and optimize the professional level of state personnel.

Kazakhstan is not in a hurry to develop democratic institutions and multi-party system. (Baizakova2006:70)Influence of political parties on the government is very less. Their presence as political entities in the political arena is not accepted by the people. As the rule, they do not reflect the mood of society. They have not been able to influence the decisions of the executive. Political activity of the population is frozen. Socially active population is alienated from politics. In Kazakhstan, there is no strong party system and the citizens are lacking in political culture and awareness. One of the major questions of democratization in Kazakhstan is the reformation of local self-management that is the multi- relations between the Central government and the self-governing institutions at the grassroots level. (Baizakova 2006:70).

The authority of the legislature will be enhanced within the framework of the Constitution. The role of both Houses of the parliament in the formation of a Central Election Commission, Constitutional Council, and the Audit Committee will be discussed as part of the political reforms program. Moreover, the judicial system will also be strengthened by simplifying legal proceedings, ensuring their objectivity, timely disposition of cases, ensuring the rights of citizens, independence of judicial officials, and transparency in judicial proceedings. Changes are also being planned in the election laws in order to bring them to international standards for ensuring free and fair exercise of individual franchise. Removing corruption has been outlined as a key objective by the president. Given the fact that Kazakhstan is one of the first post Soviet states to pass anti-corruption laws and sign international conventions, the President deems it imperative that a review of existing regulations is undertaken and improved laws are passed to remove corruption. The President is of the view that the Agency on Fighting Economic Crimes and Corruption must be independent. He suggested that it should be under the direct control of the President.

In the foreign policy area, the priority of the Kazakh government is on the development of cooperation with Russia, China, the United States and the European Union. Kazakhstan will also seek greater relations with leading countries of Asia and the Middle East. Relations with Russia are on an upswing particularly after both sides signed the Treaty on border delimitation recently. For the first time, Russia and Kazakhstan have fully demarcated borders. Another foreign policy priority for the government is to expedite accession to the World Trade Organization. Besides, efforts have been to have close alliance with the Shanghai Cooperation Organization, the CIS, the Eurasian Economic Community, and in establishing the Single Economic Space in the region. In his speech, President Nazarbayev has stated that Kazakhstan desires strong relations with major powers including US, Russia, EU etc. He has also emphasized on having close relations with regional forums.

Global Terrorism:

The President outlined terrorism, extremism and drug trafficking as the three main challenges facing the international community in the 21st century. Kazakhstan is also facing these threats which are an obstacle in the establishment of democratic Political system. To evolve a global alliance against these threats, Kazakhstan had organized a special session of the UN Security Council's Counter-Terrorism Committee, in which heads of 40 international organizations took part. Precisely for these reasons, Kazakhstan is a partner in the US-led anti terrorist coalition and had sent its forces to Iraq. While the necessary laws and regulations have already been passed, the Kazakh President emphasized on a qualitatively new level of coordination at the regional and global level to counter these threats.

Regional Integration:

For centuries, the Central Asian region has been the bridge between the East and the West. However, decline of trade through the Silk Route and

superpower rivalry in the previous century led to a decline in this region. The superpower rivalry, according to the President, has revived again in the region though it is for economic dominance. Addressing other countries in the region, President Nazarbayev said that the choice was clear: either remain as the supplier of raw materials to global markets or wait for another imperial power to target the region or ensure economic integration of the region. In this context, President Nazarbayev proposed a Union of Central Asian States (UCAS) which could be based on the Treaty of eternal friendship between Kazakhstan, Uzbekistan and Kyrgyzstan. This Union should also be open for other countries join.

Drugs-Trafficking:

Kazakhstan is attractive to traffickers because it sits between the major heroin producing regions of South-West Asia and major markets in the former Soviet Union and Europe. Heading from Afghanistan, traffickers traditionally follow a route through Turkmenistan into Kazakhstan reaching the Akatu port on the Caspian Sea. However, new smuggling routes have also been identified from Afghanistan and Tajikistan passing through Kyrgyzstan and Kazakhstan into Russia. In the last few years, there has been a substantial rise in the amount of heroin smuggled through Kazakhstan, relative to opium. The 1,320 cases of drug-trafficking hint at the efforts being made by major international drug trafficking groups to accelerate drug smuggling through Kazakhstan.

Corruption and Poverty:

Corruption has become an acute problem in Kazakhstan. Transparency International's Corruption Perceptions Index for the country worsened in 2004, falling from 2.4 to 2.2. Despite an increase in corruption related arrests in 2003, the issue continues to be a grave concern both within the government and in the law enforcement community. Most importantly, high levels of corruption in the customs service greatly undermine efforts to counter drug trafficking. In

December 2003, a special unit was established under the Ministry of Interior to deal with this problem.

The ratio of drug-related crimes is increasing every year. Whereas, it was less than 3% in 1991 and now it has reached 15% up to of total crimes. Recent studies also report that Kazakhstan has the regions highest rate of arrests for drug-related offence per capita with nearly 160 per 100, 0000 of the population. The total number of drug-related crimes registered in the country in the first half of 2003 counted 6837 which is 5.4% less than in the same period of 2002 (7226). The biggest numbers of drug-related crimes were registered in Almaty (1278cases), Karaganda region (827), Jambyl region (602), and Southern Kazakhstan region (585) (www.ecodccu.org/.../Kazakhstan/Kazakhstan%2022003.htm).

Increasing drug trafficking contributes to rise in drug related crimes. In the last decade, the share of drug-related crimes as a proportion of total crime increased from 3% to 12%. Between 1991 and 1999 the total number of the drug related crimes increased by a factor of 4.3. Despite a registered decline in 2002, the U.S. International Narcotics Control Strategy Report noted a 15% increase in drug related crimes in 2003.

Kazakhstan government passed the law on Medical and Social Rehabilitation of Drug Addicts in 1998, establishing drug rehabilitation centers and counter narcotics programs in prisons and public schools. In 2000, President Nazarbaev approved a three-stage counter-narcotics strategy covering the period 2001-2005. This strategy sets three objectives: strengthening preventive, diagnosis and treatment systems for addicts, strengthening counteraction mechanisms against drug trafficking, and developing international cooperation. In 2001 the Majilis approved amendments to the penal code that increased the terms for narcotics offences from 5-12 years to 7-15 years of imprisonment. The government plans to open twenty-five new

border posts. In 2003 the program on “Medical Treatment and Prevention of Drug Addiction” and the Law on Medical and Social Rehabilitation of Drug Addicts were approved.

In 2002 a Commission on Counteracting Drug Addiction and Drug Trafficking was established, bringing together representatives from 13 disparate counter-narcotics agencies at the national, regional and local level. The essence of the present political order is constituted by the attempts of the Central Asian leadership to find adequate responses to them. Behind a facade of considerable unity and authority, some indications have begun to emerge of fears and concerns regarding the regimes’ stability.

First, there are developing social tensions between rich and poor and widening gap between them, and a rapid polarization of incomes. Recently, observers have started to reflect with alarm on a drastic decline in the ability of the Central Asian governments to maintain minimal levels of public services and social welfare protection.) (Olcott 1998).

While President Nursultan Nazarbayev claimed that Kazakhstan has the highest per capita GDP rating (\$1, 500) in the CIS countries, real per capita GDP in Kazakhstan in 1997 was estimated at \$872, at the same time, Kazakhstan dropped from 54 place on the UNDP’s Human Development Index in 1993 to 72 in 1996 and 93 in 1997.4 (UNDP Report1998). According to Red Cross, 73% of the population of Kazakhstan lives below the poverty line.

Regional co-operation:

Kazakhstan has entered into several regional cooperative agreements related to issues of border control, fighting drug trafficking and regulating controlled deliveries. In 1998 the government signed two agreements with Russia, regarding border controls and drug trafficking. In 2003 Kazakhstan participated with CIS in a joint operation related to drugs trafficking.

Kazakhstan participates in the EU Border Management Program for Central Asia as implemented by the UNDP. The country is also participating in the establishment of the Central Asian Regional Center for communication, analysis and exchange of operational information related to cross-border crime and for coordination of joint operations. (<http://www.silkroadstudies.org/drugtrade.htm>).

Kazakhstan is a party to numerous regionally-based drug control agreements initiated by the Economic Cooperation Organization (ECO), United Nations Development Program and Organization for Security and Cooperation in Europe and other organizations. Regional efforts have sought to deal with a set of problems common to countries in the region, including a lack of basic resources to institute effective drug control programs, the links between drugs, organized crime, and international terrorism, and the destabilizing effects of the drug trade on each country's economy and security. On 4 May, 1996 the five Central Asian states signed Memorandum of Understanding on sub-regional drug control cooperation. In 1996 the law enforcement agencies of Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan signed an agreement on cooperation in combating the illicit traffic in drugs. On 21 April, 2000 Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan signed a treaty on concerted action in combating terrorism, political and religious extremism, Transnational organized crimes and other threat to the stability and security of the signatory parties which addresses drug trafficking also.

Religious Extremism:

The most salient current issue pertaining to Islam in Central Asia is the role of radical Islamist groups and the reactions of governments to them. Although, there are several Islamists groups that have been active in the region, the *Hizb-ut-Tahrir* (Freedom Party) is one of the most difficult Islamisc groups to characterize. It was founded in Jordan in 1953 for the purpose of recreating a pan-Islamic Caliphate operating according to the Shariah, which it proposes to

accomplish without the use of violence. “The group’s main tenets are the just distribution of resources, profits, and property, just governance the elimination of corruption and the common ‘brotherhood’ of the entire Muslim world.” Although, it criticizes severely the corruption of the governments of Central Asia, as well as the purportedly anti-Islamic actions of Western governments, its main “aims are probably the most esoteric and anachronistic of all the radical Islamic Movements in the world today” (Gunn 2003:389-410).

Hizb-ut-tahrir’s activities in reached in Central Asia in the mid-1990s mainly consisting of distribution of pamphlets spread of propaganda and dissemination of Islamic ideas among the population. Most of the party members are ethnic Uzbeks. The group is most active in Uzbekistan and the Uzbek populated regions of Kyrgyzstan. In Kazakhstan, Hizb-ut-tahrir is active in the Southern Kazakhstani oblast, where Uzbek constitute 20% of the population. They try to attract Kazakhs from other regions of the country. The recent demonstration in Almaty is also another confirmation of the fact that Hizb-ut-Tahrir is trying to spread its influence across the country. In December, the upper chamber of parliament introduced amendments to the draft law, which had already been approved by the lower chamber. These amendments increase state control over believers. The amendments introduced by the Senators would allow law-enforcement agencies to temporarily suspend the activities of any religious organization without a court order, if the organization is suspected of extremist activities (Rotar 2005).

Notably, most of the followers of the Hizb-ut-Tahrir teachings are young people. That leads some observers to conclude that the higher rate of youth unemployment in south Kazakhstan favors the recruitment of teenagers for the religious movement. Another obvious explanation is that the southern part of the country is mainly Muslim-populated. In fact, the influence of the Hizb-ut-Tahrir is not strictly limited to the south. They are slowly moving to the north, closer to the Russian border. Two young members of Hizb-ut-Tahrir appeared

in Pavlodar and Ekibastuz, industrially developed and socially well-faring regions. There are not so many people in Kazakhstan who readily embrace the maddening ideas of religious extremist organizations. However, those under the guise of reviving the lost spiritual values, extremist forces are winning minds and souls of young people (Corley1993).

As was the case with the Soviet Union is concerned, each of the states has adopted a constitution that provides expressly for the protection of human rights. With regard to religion and belief in the Constitutions, all guarantee the fundamental rights for freedom of religion and conscience, and all declare themselves to be secular state. The Constitutions explicitly prohibit discrimination on the basis of religion. During the years of *Perestroika*, and immediately following, the legislatures of Central Asia enacted progressive statutes on freedom of religion and belief that generally followed and often exceeded international standards. The status guaranteed the freedom of religion and belief against government intervention, and it became relatively easy for religious organizations to register with the state and thereby obtain “legal personality”.

Since 1991, the laws adopted by the Soviet authorities during Gorbachev’s period have been repealed, amended, or altered by executive decrees. The states now exercise legal control over religion through laws. The basic law is supplemented by other laws in the civil code and criminal codes, and there are decrees and regulations issued by the President or executive officials that interpret the statutory law. These laws typically establish procedures for registering religious groups and for state supervision over them. Each state also has a committee on Religious Affairs created by the religion laws. Some states, such as Turkmenistan and Uzbekistan, require all religious groups to register with the state. Turkmenistan has the most draconian laws among all. In the country, religion is effectively under the complete control of the state, including the appointment and payment of the clergy.

Kazakh government plans to restrict religious freedom with a new Religious Law. The Law seen by Forum 18 bans all unregistered religious activity, and bars registered religious communities with fewer than 50 members would be banned from publishing or importing religious literature, maintaining open places of worship or conducting charitable activity. Human right activities and religious minorities have condemned the latest proposals.

Legal status can be difficult to get for religious communities, the government does not like in some parts of Kazakhstan. Non-Muslim religious communities led by ethnic Kazakhs have particular and growing difficulties, new laws punishing unregistered religious activity and media reports about “illegal” religious communities have created a climate of fear among many religious minorities (Eurasia Daily Monitor).

Clan Politics:

Clan is a group of people united by Kinship and descent, which is defined by actual or perceived descent from a common ancestor, even if actual lineage Patterns are unknown, Clan members may nonetheless recognize a founding member or apical ancestor. The kinship –based bonds may be merely symbolical in nature, whereby the clan shares a “stipulated” common ancestor ,which is symbol of clan unity. Clan Politics is very common and influential in Central Asian republics. As the Soviet system collapsed, clans informal identity networks based on kin or fictive kin bonds emerged as political actors in Central Asia. Clan Politics –the Politics of informal competition and deal making between clans is a Pursuit of clan interests and has had profound effects on the Political trajectories of these regimes.

So far as Clan Politics in Kazakhstan is concerned, it has provided limited space for Political and economic liberalization in the republic and the

transformation Post-Communist authoritarianism. According to Kathleen, Nazrbayev initially tried to maintain the appearance of a neutral Podesta in managing the clan Pact. He faced divisions among three hordes and smaller clan lineages. Nazarbaev's regime has reverted to clan-based authoritarianism. He sought to consolidate a super presidential system in which his network controls Power and resources. He faced a numerous challenges-

- (1) Parliament became an arena for clan as well as democrats, to get access to the state resources and form a potential opposition.
- (2) Although, the Kazakh President manipulated, electoral and Party legislation in order to strengthen Pro-governmental Parties and decrease clan representation.
- (3) Rivals want their share of foreign investment and energy wealth, which have been diverted disproportional to Nazarbayerev's clan. The President has used his clan to undermine the main area of regime liberalization and media. His daughter, Dariga Nazarbayereva, and his son –in-law, Rahat Aliev, control most of the media outlets and major business interests. Nazarbayerev Has also centralized the strong Presidency around his family and clan connections. Aliev also headed Almaty's taxation department, a powerful post Nazarbayerev's other son-in-law is the director of a Pipeline company and is influential in the lucrative oil and gas sectors. Nazarbayerev's clan also gained control over the leading banks and energy wealth has bolstered the regime. He has used the wealth to build loyal Central Asian security forces (K N B), headed by his son-in law, and his son-in –law, and to intimidate Political opposition. His family uses the KNB to control the oligarchic rivals. While wealth insulates his regime, rival factions resent the Nazarbayerev clan's usurpation of major state assets (Collins 2004:258-59).

Authoritarianism:

Authoritarian regimes are headed by personal leaders who promised law and order. Authoritarian regimes are susceptible to their own perils. There is a danger of strong concentration of power in one individual. As Bruce Parrott acclaims that, the 'authoritarian states built around a single party are more stable, than personal dictatorships.' As Linz is of the opinion that sultanistic rule leaves a vacuum in the society that makes the establishment of democratic political difficult.' For authoritarianism system two conditions have to be met for effective function. First, the regime needs a vehicle through which to exercise power and implement orders, such as 'pragmatic party' of governance, a reliable military, or a co-opted network of regional elites. In the absence of developed national armies, and given the soviet tradition of firm civilian control over the armed forces in Kazakhstan the ruling groups have been making attempts to build 'parties of power'.

Secondly, the regimes needs to maintain a capacity to deliver on its promises on welfare and on law and order, that is, it must possesses both sufficient wealth and sufficient power of redistribution to bring share of it to the population. The viability of the regimes in Kazakhstan is directly dependent upon the revenues generated by exports of their energy resources .Significant delay in revenue flows could be lethal to their stability and even survival (Matveeva1999: 23-44).

Ethnicity:

The theories of ethnic conflict assert, the competition for power, privilege, and scarce resources in multiethnic societies propel participation to oppose each other as members of different ethnic groups with ascriptive loyalties and conflicting interests. Soviet leadership pursued the nationalities policy during the past decades was fraught with potential conflicts. Its goal was a

homogeneity and unification of the country's ethnic groups on the basis of the Soviet Russian culture. By making an ethnic affiliation ascriptive, directly connecting ethnicity with language and territory, and linking ethnic status with the degree of ethno territorial autonomy. It has not helped to break down barriers ethnicity status with the degree of ethno territorial autonomy; it has not helped to break down barriers between ethnicity and nation. At the same time it, facilitated an emergence of new intelligentsia in the non –Russian parts of the country whose competitive advantage depends on their privileged position there (Khazanov 1995:243-264).

In Kazakhstan, there are more than a hundred nationalities and ethnic groups. The current population of Kazakhstan proves that the largest ethnic groups in Kazakhstan are the Kazakhs with 53.4% of the total population and the Russians 30.0%. The others are the Ukrainians 3.6%, Uzbeks 2.5%, German 2.3%, and Tatars 1.6%, Uigurs 1.4% .the numbers of the Byelorussians, Koreans, Azeris and Turks varies from 0.7 to 0.5% of the total population of Kazakhstan (Jha 2003:27).

Maintaining interethnic harmony is one of the fundamental conditions for development and success of the reforms in multiethnic state like the Republic of Kazakhstan. According to Kazakh President Nursultan Nazarbayev, Our principle policy is based on development of all ethnic groups through compromises and strengthening of the combined sources. There are 3474 Kazakh high schools, 2514 Russian high schools, 78 Uzbek high schools, 13 Uigur high schools, 3 Tajik high schools and 1 Ukrainian high school in Kazakhstan. Since 1995, 10% quota was given to ethnic minorities to enter the institutions and universities in Kazakhstan. For the four years of this quota practice over 7.8 thousand young people of different nations have entered the universities and institutions in Kazakhstan (Abishev 2002).

The Position of Women in Kazakhstan:

The Policy of Soviet in the 1920s and 1930s concentrated on the economic and cultural transformation of the Central Asian states. Changing women's lives was a vital part of the programme. The status of women was equated with slavery in Central Asia. This life style called byt was put on Islamic religion and custom. In this perception, centuries of Tsarist colonisation were given only secondary importance amongst the first acts of the newly formed Soviet government was the prohibition of 'byt crimes'. Amongst the first decrees in Kazakhstan was one against kalym (bride price) This law outlawed bride price, forced and captured marriage, child marriage, polygamy, marriage by barter, and other antiquated customs termed as 'evil' and 'injurious' to women. It was these laws and the propaganda campaigns around it that became the basis of the great movement which mobilised, involved and liberated Central Asian women. The formation of the women's section (Shentodyl) and the special women's clubs-housed in 'Red Yurtas (tents) provided a special space for women. For that they met, communicated, learnt new skills, became literate, received medical aid, and became skilled workers. They told women about their political education and rights (Bilshai 1957).

The Status of Women in Soviet Union, Foreign Languages Publishing House, Moscow; as a result, the struggle of these women to come to these clubs, to throw off the veil, replace it with the kerchief - the 'red scarf' movement, in which hundreds of women were killed and hurt because of their defiance of males and clergy. The Soviet government thus relied on social movements as well as on laws for social change. At the same time, land and water reforms were introduced in the Central Asian states. These enforced, the principle of equal rights for men and women, and gave women economic independence. These reforms removed the traditional system of economic stimulus towards polygamy and child marriage, since the earlier customs apportioned land and water shares to married men, with shares apportioned

according to the number of wives. By this strict enforcement of land and water rights did much to change the status of women.

The Soviet state benefited from this changed status of women. The Central Asian women became the agents for Soviet policies in the region - for instance, the decision of the central committee to introduce the Latin script in place of the Arabic one, or in some instances where there was no script. The reason given for this change was that the Arabic script was identified with religion, and served as "an instrument of exploitation and enslavement for centuries" The Soviet state also benefited from the changed status of Central Asian women as they were transformed into a productive working class. In all areas of activity - blue collar to white collar workers - the number of women increased yearly. An indication of the parallel achievements of women to men is evident from the decision made in 1930 to abolish women's departments and integrate women's workers with sectoral groups: "The solution of the problem of women's labour in the Soviet Union was inseparably connected with the fulfilment of the basic tasks of socialist development". The belief that women's oppression had been eradicated because of female participation in labour ignored the new burden on the women who combined occupational, political and domestic duties. It ignored the generally inferior position of women in the hierarchy of labour.

As such, CAW women had gained from their earlier position, but the 'women's problem' was far from solved. Despite the social transformation which took place in CAS, many elements of pre- Soviet traditions, especially in the field of culture, were retained at the individual level. Patriarchal traditions continued to be practised. The difference for women's lives was clear. Repression of women was removed through state intervention. But some conservative rituals and overall patriarchal structure of Islamic practice were retained in the private realm. Here women of all nationalities were clubbed together. All discussions, statistics, laws on women generally clubbed Soviet women together. The state intervened in family life, guided reproductive

norms, etc. Thus, for instance, awards were given to women with more than 10 children after the Second World War in an effort to correct demographic decline. Specific problems of Soviet women were recognised by the regimes in power. -There were debates around this issue during the Gorbachev period, i e, double burden, shortage of facilities like creches, public catering, etc.

But the underlying paradigm remained that economic liberation was a panacea for all problems. The image that the Soviet woman was made of steel, was a comrade-in-arms for all public struggles, was not concerned with western feminist struggles, remained until the break-up of the Soviet Union. In the task of state building in independent Central Asia, several issues have been given priority. These include: the nature of political power and political system; the constitution and structure of governance; ideology and world view of the state and the contending ideologies; the economic structure and economic policies: the transition to 'market societies' or capitalist development, the socio-economic structures. Women are encompassed within these priority areas, and have no separate position as yet. At the state level, all Central Asian States have declared secular intentions. The leaders in power in all these states disowned their communist past and professed Islam. All these states have established links with Islamic-oriented states in varying degrees. It is the role of the popular movements associated with Islam, their influence on the government and societal norms, which is an important indicator of Islamic practice today (Chenoy 1996: 516-518).

Conclusion

The disintegration of the Soviet Union created fifteen independent states with distinct trajectories Political developments. Although early observers, hoped that the Soviet Union's demise equaled a victory for democracy. Many of these states –perhaps most notably the Central Asian republics have failed to live up to expectation of Western ideals. In fact, the absence of significant challenges to the authoritarian status quo by viable democratic opposition movements is the defining characteristic of the Political climate in Central Asia. Numerous social, historical, and structural factors have been cited to the regions post- communist transition, including the hegemony of informal clan Politics, endurance of Soviet legacies and lack of prior experience with either statehood or democracy among others.

The Kazakh President Nursultan Nazarbaev's greatest achievement is a Kazakhstan's ambitious economic liberalization carries out since independence-appears to have had an unintended side effect. Under Conditions of rapid economic transformation, true Soviet Solution to maintaining the political status quo-the monolithic national elite began to shatter as the elite actors; economic interests diversified and ultimately came into conflict.

The hope for democracy in Kazakhstan is not that the masses will revolt, nor is it that the heads of government will come to view democracy, as good in itself. Neither will democracy simply economic liberalization, escalating competition among elites for there share of the economic pie and their growing instrumental commitment to the rule of law seem to be the source of genuine Political change.

After the disintegration of the Soviet Union, the Republic of Kazakhstan declare itself a democratic, secular, legal and Social state where emphases is given to individual rights, freedom, secularism, openness, Political freedom,

rule of law, separation of Power, Protectional and maintenance of security, national interests and civil liberties, multi culturalism because the watch word of the republic while protection of law and order was given top priority. The Constitution explicitly prohibits discrimination on the basis of religion. Human rights and other related freedoms in the Republic of Kazakhstan shall be recognized and guaranteed in accordance with the constitution. No one shall have the right to arbitrarily deprive an individual's life. The Constitution also allows the citizens to assemble and hold meetings, rallies, demonstration and peacefully protest.

Though these rights and liberties are expressed in Constitutions, but none of the states has a truly independent judiciary or a free political system, which means that the terms of the Constitutions are not freely used and interpreted as political rhetoric by government's officials but the Political opposition alike due to the true accountability on a regional level can only be brought by making the power office of regional governor popularly elected rather than appointed by the president. Evolution of Political Parties of Kazakhstan has its roots at the beginning of the 20th Century. At that time Kazakhstan was a part of Russian Empire. The increased Russian influence and colonization policy in Kazakhstan conduced to the creation of the first political party of Kazakhstan, Alash Orda in 1917. As far as political parties in independent Kazakhstan are concerned the country has established multi-party system in the republic. Presently, there are twelve political parties in the country. But in reality opposition political parties are weak in Kazakhstan. In Kazakhstan the development of democratic institutions and multi-party system are very slow. Influence of Political Parties on the government is very less. Several political parties have been unable to gain official registration. Political activity of the peoples of Kazakhstan is frozen; socially active peoples are alienated from Politics. In Kazakhstan there is no strong party system and the Political culture of citizens therefore, it is important to upgrade the general level of Political awareness of the People's of Kazakhstan. The major question of

democratization in Kazakhstan is the reformation of local self-management that is the mutual lesions between the Central government and the self-governing institutions at the grassroots level. In Kazakhstan Constitution provides for an independent mass media. But in practice the freedom of media has been ignored. The right to expression and freedom of the press, while enshrined in the Constitution and the media law, is in practice generally not respected.

One of the reasons of delay in the reconstruction process of democratic society in Kazakhstan is that the majority of the population is politically passive. It is popularly believed that authoritarianism is the main feature of Political culture in Kazakhstan. The process of democratization which has been breaking traditional mechanism of social and Political attitudes is considered to be imposing and alien to the people of Kazakhstan.

The Constitution of all the countries (central Asia), is formally based on the principle of the separation of Power and the creation of system of restraints and counter balances are as a matter of fact, the main laws of authorities in which the competence and power are redistributed heavily in favors the presidential branch of power. The president of all the country of the region posses' unlimited political opportunities to control state and society.

When speaking about Kazakhstan the unique governmental structural that has under gone structural reforms from the point of view of human rights and freedom is the penitentiary system. Its transfer from under the authorities of the Ministry of Internal Affaires to the Ministry of Justice is a serious steps to it demilitarization and transformation from a retaliatory into a corrective establishment, although dear have only been initial steps in this direction. In 1993, the Republican commission on Human Rights was setup in Kazakhstan under the president of the republic, and in 2002, the institute of the representative of the human right and the national centre on human right were

also created. It was intended that these measures would represent a serious step on the way towards creation of national institutions for human rights.

However, these structures were created by presidential decree, and as a result, they are essentially a part of the president's administrations and therefore can not be considered as independent national structures for the human right. The creation, subordination, powers and competence appreciably fall short of the Paris principals of the United Nations regarding the status of national establishments engaged in the promotion and production of human rights. With conceptually suspect legislation in the sphere of political right and civil freedoms, as well as unreformed state bodies which tend to retain Soviet habits, it is not difficult to predict the inefficiency of procedures and the discrepancy between Kazakhstan's judicial practice and international standards. The development of civil societies, as implied by the development of political parties, trade unions, non-governmental organizations (NGO), independent mass media and other public institutions, has practically felled in all the countries. The most advanced development of civil society has been realized in Kazakhstan, but even there, one can speak about a consolidated and institutional expression and reflection of social needs and interests.

A large number of programs organized by the international communities in the sphere of democracy development, state-building and promotion of human rights and freedoms in the region simply managed to support this imitation of democratic development. These programmes are on inter parliamentary cooperation, judicial reform, legislative process, etc. Unfortunately, these programmes have failed. Their failure was explained by western scholars with the help of an argument offered by the ruling elites of the region countries based on the following points: Reform should first focus on the economy and security and then on democracy and human rights, the democratic process is a long process, the countries of central Asia must first overcome the legacy of totalitarianism and Communist ideology.

At the end we can say that the nature of the Kazakh political system is a secular authoritarian political system. Kazakhstan is a dynamically developing market oriented economy. Kazakh society is multi-ethnic, multi-cultural and multi-religious society. The remarkable progress in the country in the post-soviet space is marked by political, economic and social stability. Kazakhstan has got its independence since Kazakhstan is a newly independent country 17 years back which is very short period for the establishment of democratic political system in the country. Thus; it needs some more time for the development of democracy and the establishment of democratic political system in the republic. It is also important to understand that Kazakhstan is passing through transition Period .One can look forward to deepening of reforms in the country.

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